

AMENDED IN ASSEMBLY JULY 15, 2009

AMENDED IN ASSEMBLY JUNE 30, 2009

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE APRIL 23, 2009

**SENATE BILL**

**No. 334**

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**Introduced by Senator Ducheny**

February 25, 2009

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An act to amend Section 17072.10 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 334, as amended, Ducheny. School facilities: new construction grant eligibility: special education pupils.

The Leroy F. Greene School Facilities Act of 1998 requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

The act requires the board to determine maximum total new construction grant eligibility of an applicant under a specified calculation that includes certain per-unhoused-pupil grant amounts, and authorizes the board to adjust the per-unhoused-pupil grant amounts by regulation for qualifying individuals with exceptional needs.

This bill would require an increase made to the per-unhoused-pupil grant amounts also to be made to the per-unhoused-pupil who is a qualifying individual with exceptional needs grant amounts ~~and~~. *If an increase to the per-unhoused-pupil grant amounts differentiates among the pupil groups based on whether the pupils are elementary, middle,*

*or high school pupils, the bill would require the Office of Public School Construction, by April 1, 2010, to recommend to the board a methodology to adjust those amounts for pupils who are qualifying individuals with exceptional needs so that they reflect these increases. made pursuant to specified provisions of law. The bill would require any adjustment made to per-unhoused-pupil grants for pupils who are qualifying individuals with exceptional needs pursuant to that methodology to be made on or after January 1, 2010.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17072.10 of the Education Code is  
2 amended to read:  
3 17072.10. (a) The board shall determine the maximum total  
4 new construction grant eligibility of an applicant by multiplying  
5 the number of unhoused pupils calculated pursuant to Article 3  
6 (commencing with Section 17071.75) in each school district with  
7 an approved application for new construction, by the  
8 per-unhoused-pupil grant as follows:  
9 (1) Five thousand two hundred dollars (\$5,200) for elementary  
10 school pupils.  
11 (2) Five thousand five hundred dollars (\$5,500) for middle  
12 school pupils.  
13 (3) Seven thousand two hundred dollars (\$7,200) for high school  
14 pupils.  
15 (b) The board annually shall adjust the per-unhoused-pupil  
16 apportionment to reflect construction cost changes, as set forth in  
17 the statewide cost index for class B construction as determined by  
18 the board.  
19 (c) Regulations adopted by the board prior to July 1, 2000, that  
20 adjust the amounts identified in this section for qualifying  
21 individuals with exceptional needs, as defined in Section 56026,  
22 as amended after July 1, 2000, in consideration of the  
23 recommendations provided pursuant to Section 17072.15, shall  
24 continue in effect. An increase made to the per-unhoused-pupil  
25 grant amounts set forth in subdivision (a), *on or after January 1,*  
26 *2010*, including, but not limited to, those made pursuant to Section  
27 17072.11 on or after January 1, 2010, also shall be made to the

1 per-unhoused-pupil who is a qualifying individual with exceptional  
2 needs grant amounts established pursuant to this subdivision. The  
3 ~~Office of Public School Construction shall recommend to the board~~  
4 ~~a methodology to adjust the per-unhoused-pupil grant amount for~~  
5 ~~pupils who are qualifying individuals with exceptional needs so~~  
6 ~~that those adjustments reflect increases made pursuant to~~  
7 ~~subdivision (b) of Section 17072.11. Any adjustment made to~~  
8 ~~per-unhoused-pupil grants for pupils who are qualifying individuals~~  
9 ~~with exceptional needs pursuant to this methodology shall be made~~  
10 ~~on or after January 1, 2010. The Office of Public School~~  
11 ~~Construction shall recommend this methodology no later than~~  
12 ~~April 1, 2010. If an increase to the per-unhoused-pupil grant~~  
13 ~~amounts differentiates among the pupil groups based on whether~~  
14 ~~the pupils are elementary, middle, or high school pupils, the Office~~  
15 ~~of Public School Construction shall recommend to the board,~~  
16 ~~within 60 days of that increase, a methodology to adjust the~~  
17 ~~per-unhoused-pupil grant amount for pupils who are qualifying~~  
18 ~~individuals with exceptional needs so that those adjustments~~  
19 ~~appropriately reflect the increases.~~

20 (d) The board may establish a single supplemental  
21 per-unhoused-pupil grant in addition to the amounts specified in  
22 subdivision (a) based on the statewide average marginal difference  
23 in costs in instances where a project requires multilevel school  
24 facilities due to limited acreage. The application of a school district  
25 shall demonstrate that a practical alternative site is not available.

26 (e) For a school district having an enrollment of 2,500 or less  
27 for the prior fiscal year, the board may approve a supplemental  
28 apportionment of up to seven thousand five hundred dollars  
29 (\$7,500) for any new construction project assistance. The amount  
30 of the supplemental apportionment authorized pursuant to this  
31 subdivision shall be adjusted in 2008 and every year thereafter by  
32 an amount equal to the percentage adjustment for class B  
33 construction.